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## EMPLOYEE BENEFITS PROGRAMS COMMITTEE

Thursday, February 4, 2021  
Coteau AB Room, State Capitol  
Bismarck, North Dakota

Representative Mike Lefor, Chairman, called the meeting to order at 4:00 p.m.

**Members present:** Representatives Mike Lefor, LaurieBeth Hager, Emily O'Brien, Matthew Ruby, Paul J. Thomas; Senators Howard C. Anderson, Jr., Dick Dever, Karen K. Krebsbach, Richard Marcellais, Kristin Roers

**Members absent:** Representatives Jason Dockter and Austen Schauer and Senator Brad Bekkedahl

**Others present:** Senator Judy Lee, West Fargo, and Senator Merrill Piepkorn, Fargo  
See [Appendix A](#) for additional persons present.

**It was moved by Representative Ruby, seconded by Representative Thomas, and carried on a voice vote that the minutes of the January 13, 2021, and January 15, 2021, meetings be approved as distributed.**

### ACTUARIAL REVIEWS

Chairman Lefor called on Mr. Scott Miller, Executive Director, Public Employees Retirement System, for technical comments and presentation of the actuarial reports on each of the seven bills over which the committee took jurisdiction under North Dakota Century Code Section 54-35-02.4. Mr. Miller provided a single presentation ([Appendix B](#)) providing technical comments on the seven bills.

#### House Bill No. 1203

Chairman Lefor called on Mr. Miller for technical comments and the actuarial report ([Appendix C](#)) on House Bill No. 1203 [[21.0224.01000](#)], which provides for health insurance coverage requirements if the federal Affordable Care Act is found unconstitutional.

**It was moved by Representative Hager, seconded by Senator Krebsbach, and carried on a roll call vote to give a favorable recommendation on House Bill No. 1203.** Representatives Lefor, Hager, O'Brien and Senator Dever voted "aye." Representatives Ruby and Thomas and Senator Krebsbach voted "nay."

#### House Bill No. 1465

Chairman Lefor called on Mr. Miller for technical comments and the actuarial report ([Appendix D](#)) on House Bill No. 1465 [[21.0988.01000](#)], which provides for freedom of choice for health care services.

**It was moved by Senator Krebsbach, seconded by Representative Ruby, and carried on a roll call vote to give an unfavorable recommendation on House Bill No. 1465.** Representatives Lefor, Hager, O'Brien, Ruby, and Thomas and Senators Dever and Krebsbach voted "aye." No negative votes were cast.

#### Senate Bill No. 2130

Chairman Lefor called on Senator Lee to testify regarding Senate Bill No. 2130 [[21.0058.01000](#)], which revises the process for review of health insurance mandate legislation.

In response to a question from Representative Hager, Senator Lee said the bill leaves it to Legislative Management to establish the process and deadlines for review of legislation that provides for a health insurance mandate.

Chairman Lefor called on Mr. Miller for technical comments and the actuarial report ([Appendix E](#)) on Senate Bill No. 2130.

Representative Hager said she is concerned the deadlines would hamper newly elected legislators.

**It was moved by Representative O'Brien, seconded by Representative Thomas, and carried on a roll call vote to give a favorable recommendation on Senate Bill No. 2130.** Representatives Lefor, Hager, O'Brien, Ruby, and Thomas and Senators Anderson, Dever, and Krebsbach voted "aye." No negative votes were cast.

### House Bill No. 1233

Chairman Lefor called on Mr. Miller for technical comments and the actuarial report ([Appendix F](#)) on House Bill No. 1233 [[21.0147.01000](#)], which provides for the Public Employees Retirement System to contract for an audit of pharmacy benefits managers providing contract services for the uniform group insurance programs.

Senator Anderson said he supports shining a light on pharmacy benefits manager practices.

**It was moved by Senator Anderson, seconded by Representative Ruby, and failed on a roll call vote to give a favorable recommendation on House Bill No. 1233.** Representatives Lefor, Hager, and Ruby and Senator Anderson voted "aye." Representatives O'Brien and Thomas and Senators Dever and Krebsbach voted "nay."

**It was moved by moved by Representative Ruby, seconded by Representative Thomas, and carried on a roll call vote to give a report of no recommendation on House Bill No. 1233.** Representatives Lefor, Hager, Ruby, and Thomas and Senators Dever, Anderson, and Krebsbach voted "aye." Representative O'Brien voted "nay."

### House Bill No. 1147 Amendments

Chairman Lefor called on Mr. Miller for technical comments and the actuarial report ([Appendix G](#)) on amendments [[21.0447.01002a](#)] to House Bill No. 1147, which provides for the Public Employees Retirement System health benefits to provide fertility benefits.

**It was moved by Senator Krebsbach, seconded by Representative Ruby, and carried on a roll call vote to give an unfavorable recommendation on the amendments to House Bill No. 1147.** Representatives Lefor, Hager, Ruby, and Thomas and Senators Anderson, Dever, and Krebsbach voted "aye." Representative O'Brien and Senator Roers voted "nay."

### Senate Bill No. 2300

Chairman Lefor called on Mr. Miller for technical comments and the actuarial report ([Appendix H](#)) on Senate Bill No. 2300 [[21.1026.01000](#)], which provides for determination of full-time employment by the state.

Chairman Lefor called on Senator Piepkorn for comments regarding Senate Bill No. 2300. Senator Piepkorn said he plans to offer amendments to remove references in the bill to contract employees. He said he supports investing in state employees.

**It was moved by Representative Ruby, seconded by Senator Krebsbach, and carried on a roll call vote that the committee give an unfavorable recommendation on Senate Bill No. 2300.** Representatives Lefor, O'Brien, Ruby, and Thomas and Senators Dever, Krebsbach, and Roers voted "aye." Representative Hager voted "nay."

### Senate Bill No. 2341

Chairman Lefor called on Mr. Miller for technical comments and the actuarial report ([Appendix I](#)) on Senate Bill No. 2341 [[21.1059.01000](#)], which provides for the Public Employees Retirement System to provide health insurance utilization reports to political subdivisions.

**It was moved by Senator Krebsbach, seconded by Senator Roers, and carried on a roll call vote that the committee give a favorable recommendation on Senate Bill No. 2341.** Representatives Lefor, Hager, O'Brien, Ruby, and Thomas and Senators Dever, Krebsbach, and Roers voted "aye." No negative votes were cast.

The committee reviewed Section 54-35-02.4 regarding the committee's duty to review legislation and amendments.

No further business appearing, Chairman Lefor adjourned the meeting at 4:55 p.m.

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Jennifer S. N. Clark  
Senior Counsel

ATTACH:9